

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KARL FUGATE, :
Plaintiff, : Case No. 1:19-CV-00030
v. : JUDGE MATTHEW W. McFARLAND
RON ERDOS, et al., : Magistrate Judge Stephanie K. Bowman
Defendants. :
:

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE REPLY TO
PLAINTIFF'S OPPOSITION TO CROSS MOTION FOR SUMMARY JUDGMENT
(DOCS. 69 AND 70)**

Defendants respectfully request an extension of time of thirty (30) days until December 16, 2020, to file their reply to Plaintiff's Opposition to Defendants' Cross Motion for Summary Judgment (Docs. 69 & 70). The attached Memorandum supports Defendants' Motion.

Respectfully submitted,
DAVE YOST
Ohio Attorney General

s/Thomas E. Madden
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Trial Counsel for Defendants

MEMORANDUM

Plaintiff is an inmate housed at the Ohio State Penitentiary (“OSP”) proceeding pro se against the following Defendants: Ron Erdos, Lieutenant Eshem, Sergeant Felts, Officer Fri and Officer McCoy. (See generally Doc. 3). On September 25, 2020, Defendant Warden Erdos filed his motion for summary judgment (Doc. 61) and the remaining Defendants: Eshem, Felts, Fri, and McCoy filed their motion for summary judgment. (Doc. 63) Plaintiff filed his opposition to the two motions for summary judgment on November 2, 2020. (Docs. 69 and 70)

Counsel for Defendants intends to reply to the Plaintiff’s opposition, however, said counsel has unexpectedly fallen ill and is currently unable to properly prepare an appropriate reply to Plaintiff’s opposition. If granted, the new date for the reply would be December 16, 2020.

Respectfully submitted,
DAVE YOST
Ohio Attorney General

s/Thomas E. Madden
THOMAS E. MADDEN (0077069)
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Trial Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Defendants’ Motion for n Extension Of Time To File Reply to Plaintiff’s Opposition to Defendant’ Cross Motion for Summary Judgment (Docs. 69 And 70)*

was filed via electronic transmission on November 12, 2020, and was sent by regular, first-class mail to Karl Fugate, #A528-949, Ohio State Penitentiary, 878 Coitsville-Hubbard Road, Youngstown, OH 44505.

s/Thomas E. Madden

THOMAS E. MADDEN (0077069)
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